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May 17, 2020

Hon. Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Juan Peralta
Ind. 19 Cr 818 (PGG)

Dear Judge Gardephe:

This letter is respectfully submitted to briefly reply to the government's opposition to release. Mr. Peralta would be in Middletown, New York, counties away from the locations in the Bronx where the targeted activities occurred. As a lesser role participant, the fact that Mr. Peralta could make telephone calls on release is of no moment. There is no proof that he coordinated distribution during the investigation. And certainly he is not directing anybody in the Bronx to do anything while residing in Middletown. He has no history of violence. He does not present a danger to the community of either distributing drugs or violence during the pendency of this matter. Rather than presenting a risk of flight due to the penalties attached to the charged offenses, the plea offer is a powerful incentive not to consider flight or engage in criminal conduct that would jeopardize the anticipated resolution of this matter.

The "compelling reason" justifying release is the increased risk of catching a deadly disease while in custody. That risk is real; not theoretical. The inherent conditions of a prison setting promote spread of infection. Those risks and conditions in the MCC are outlined in the affidavit of Jonathan Giftos, M.D. attached to my initial submission, and well documented by numerous experts. The fact that Mr. Peralta may not present preexisting medical issues making him more vulnerable in no way vitiates the real risk of contracting COVID by virtue of his incarceration in the MCC alone. The community and Mr. Peralta both can be safe if he quarantined in his mother's home.

On Mr. Peralta's behalf, we waive his right to a hearing and consent to having this bail application decided on the papers. Thank you for your consideration of this matter.

Hon. Paul G. Gardephe
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Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'M. Sporn', with a stylized, flowing script.

Michael H. Sporn

MHS/ss
CC: Jacob Warren, Esq.